REMARKS

Applicants have amended the claims to more particularly define the invention taking into consideration the outstanding Official Action. Claim 1 has been amended to add the limitations from claim 6 which is dependent upon claim 5. Claims 5 and 6 have therefore been canceled from the application. The amended claim clearly specifies that the plant sterol is subjected to a deodorizing treatment as fully supported by the specification. In addition, claims 28-32 have been added to the deodorizing aspect as fully supported by Applicants' specification, note in particular page 10, line 20 through page 12.

As noted on page 10, line 20 it is desirable for the plant sterol which is mixed in the composition of the present invention to be used after the deodorizing treatment. It is noted at the top of page 11, it follows that it is possible to bring about the problem that the deodorizing treatment cannot be carried out. The present inventors have found that it is possible to overcome the particular problem by adding a plant sterol to the edible fat/oil so as to deodorize the mixture. In this case, it is desirable for the additional amount of the plant sterol to the edible fat/oil to be small. Thus, the added claims and amendments to the claims are fully supported by the specification as originally filed. Applicants most respectfully submit that all the claims now present in the application are in full compliance with 35 U.S.C. §112 and are clearly patentable over the references of record.

All of the prior are rejections, except for that of claim 6, have been carefully considered but are believed to be obviated by the amendments to the claims since claim 1 has been amended to correspond to claim 6. Claim 6 is the only claim remaining claim of the rejected claims

The rejection of claims 5, 6, 10, 11 and 25 under 35 U.S.C. 102(b) as being anticipated by Bertoli as further evidenced by Orthoefer and Swern taken together has been carefully considered but is most respectfully traversed.

Applicants wish to direct the Examiner's attention to MPEP § 2131 which states that to anticipate a claim, the reference must teach every element of the claim.

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).
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> *Akzo N.V. v. International Trade Comm'n*, 808 F.2d 1471, 1 USPQ2d 1241 (Fed. Cir. 1986) (Claims to a process for making aramid fibers using a 98% solution of sulfuric acid were not anticipated by a reference which disclosed using sulfuric acid solution but which did not disclose using a 98% concentrated sulfuric acid solution.).

Moreover, the Examiner's statement concerning the deodorizing treatment of claim 6 as a process limitation carrying no weight in these product claims is also specifically traversed. In order to provide an edible oil, the taste of the oil must be acceptable and the deodorizing aspect of the invention presents a product-by-process limitation which simply cannot be ignored as has been done in the Official Action.

The Bertoli et al. reference relates to a preparation of lipid composition for cosmetic products. Oil mixtures, which provide lipid compositions for restraining skin degeneration are described. However, there is no mention of the process for forming the deodorized sterol of the present invention or the fact that this stabilizes the composition which is in edible form. This is an important part of the claim which is not suggested or anticipated by the prior art. As noted on page 2 of Applicants' specification, because of this, the cholesterol lowering property of the edible oil is reduced. However, this problem is overcome by the sterol and oil formed by the process and this process limitation cannot be ignored in determining the patentability

of the claimed subject matter. Moreover, the limitation that the oil is edible is also a positive limitation which is not contained in the prior art. Accordingly, it is most respectfully requested that this rejection be withdrawn.

Moreover, Applicants most respectfully submit that none of the cited references discloses or suggests that an edible fat/oil composition comprising an edible fat/oil, and containing a plant sterol in an amount of 0.005 to 10 mass % is prepared by subjecting a mixture of the edible fat/oil and the plant sterol to deodorizing treatment, and adding the lipophilic emulsifying agent to the deodorized mixture. Advantages of the method of the invention are described at page 10, line 20 to page 11, line 7.

In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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